

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNIVERSAL TRADING & INVESTMENT
CO.,

Plaintiff,

v.

PETRO MIKOLAYEVICH KIRITCHENKO, et
al.,

Defendants.

No. C-99-3073 MMC (EDL)

**ORDER VACATING JANUARY 31, 2006
HEARING AND EXTENDING
DURATION OF ATTACHMENTS UNTIL
FEBRUARY 18, 2007.**

Plaintiff Universal Trading & Investment Co. has noticed and filed a Motion for Extension of Attachments to February 2007. Defendants Peter Kiritchenko, Izabella Kiritchenko, Ludmilla Kiritchenko, Brancross U.S. Holdings, Inc., BRC Property Holdings, LLC, and Xanadu Property Holdings, LLC filed a one page opposition that does not really address the merits of the request. Rather, Defendants contend that the attachments should not be extended because they expect to prevail on an upcoming motion for summary judgment, but do not refute that Plaintiff has met the statutory requirements for an extension. Moreover, although Defendants assert that it will dispose of the entire case, their motion for summary judgment will not be heard until February 10, 2006, and likely will not be decided before the attachments expire on February 18, 2006. (Of course, if Defendants prevail, that ruling will ultimately affect the duration of the attachments.) Because this matter is appropriate for decision without oral argument, the Court also vacates the January 31, 2006

1 hearing.

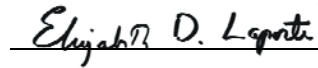
2 Upon review of the pleadings, and for good cause shown, **IT IS HEREBY ORDERED** that
3 the duration of each of the following writs of attachment, individually and severally as well as
4 jointly, be, and hereby is, extended for a period of one year from February 18, 2006 to February 18,
5 2007:

- 6 1. Attachment of the property of Defendant Ludmilla Kiritchenko, 406 Paradise Drive, Tiburon,
7 California 94920, including all parcels, land, improvements, and appurtenances, as set forth
8 in Exhibit A to the Affidavit of Youry Lambert filed in support of Plaintiff's Motion for
9 Extension of Attachment ("Lambert Affidavit"), which is incorporated by reference herein;
- 10 2. Attachment of the property of Defendant Dugsbery, Inc., 100 Obertz Lane, Novato,
11 California 94949, including all parcels, land, improvements, and appurtenances, as set forth
12 in the accompanying Exhibit B to the Lambert Affidavit;
- 13 3. Attachment of the property of Defendant BRC Property Holdings, Inc., the 50-acre
14 unimproved parcel located in the City of Tiburon, California bearing Assessor's parcel
15 number 058-100-09, as set forth in the accompanying Exhibit C to the Lambert Affidavit;
- 16 4. Attachment of the property of Defendant Brancross U.S. Holdings, Inc., 185 Gilmartin
17 Drive, Tiburon, California 94920, including all parcels, land, improvements, and
18 appurtenances, and the 2.01 acre unimproved parcel located in the City of Tiburon,
19 California, bearing Assessor's parcel number 058-071-01, as set forth in the accompanying
20 Exhibit D to the Lambert Affidavit;
- 21 5. Attachment of the property of Defendant Xanadu Property Holdings, LLC, an unimproved
22 27-acre parcel located in the City of Tiburon, California, bearing Assessor's parcel number
23 039-241-01, as set forth in the accompanying Exhibit E to the Lambert Affidavit;
- 24 6. Attachment of the property of Defendant Petro Mikolayevich Kiritchenko, 901-903 Pine
25 Street, San Francisco, California 94108, bearing Assessor's block 274 lot 24, including all
26 parcels, land, improvements, and appurtenances, and 3500 Fulton Street, San Francisco,
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California, bearing Assessor's block 1654 lot 18-B, including all parcels, land improvements, and appurtenances as set forth in the accompanying Exhibit F to the Lambert Affidavit.

IT IS SO ORDERED.

Dated: January 27, 2006



ELIZABETH D. LAPORTE
United States Magistrate Judge